

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1041 OF 2020

1. Ms. Priya Ratan Singh

2. Mrs. Khusboo Ratan Singh ...Applicants

Versus

State of Maharashtra ...Respondent

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Mr. Ashok Bhatia, for the Applicants.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MARCH, 2021.

PC :

. This is an application for anticipatory bail in connection with C.R.No.I-184/2019 registered with Mira Road Police Station, Dist.-Thane for offences under Sections 376, 363, 370(A), 370(4), 465, 468, 471 of Indian Penal Code and Section 3, 4, 7 and 8 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO') read with Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and under Section 75 and 79 of Juvenile Justice Act, 2015.

2. The F.I.R. was registered on 4th August 2019 under Section 363 of Indian Penal Code by applicant No.1. In the said F.I.R., it was

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stated that accused No.1 Mukesh Kanojia had kidnapped the victim under the pretext of marriage. On 1st August 2019, despite having knowledge that, the victim was minor. She was taken to Ujjain, Madhya Pradesh and the accused had physical relationship and committed offences under Section 376 of I.P.C. and under the provisions of POCSO.

3. Some of the accused were arrested. On completing the investigation, the chargesheet is filed against them. According to prosecution, the accused had acted in collusion with each other and subjected the victim for prostitution. The accused Chikka @ Chikki Tame Gouda, Rajkumar Jagdish Singh had taken the victim to Bangalore from Mira Road. She was made work in Orchestra bar. She was sexually exploited. The documents were prepared with regard to her Date of Birth.

4. Both the applicants had preferred application for anticipatory bail before the Sessions Court, which was rejected.

5. Learned Counsel for the applicants submitted that both the applicants are ladies. They need not be subjected to custodial interrogation. The victim was their relative. The chargesheet is filed against the arrested accused. Applicant No.1 was the first informant who has been subsequently impleaded as an accused. The victim had

left the house on 1st August 2019 and she had eloped with Mukesh Kanojia. She has been tutored by Kanojia to complain against her parents and relatives. Mukesh Kanojia had filed the Petition in the High Court seeking custody of the victim. He had allegedly performed the marriage with victim girl. The statement of the victim was recorded in which she do not involve the applicants. The prosecution however, relying on some letters written by the victim girl and has also alleged that some amount has been credited into the account of the applicants. The victim had filed an Affidavit on that basis regular bail was granted to Meena Ratan Singh who is grandmother of the victim. While granting bail to Meena Ratan Singh, it was observed that the allegations were made for the first time on 2nd March 2019. The victim had sworn Affidavit on 22nd October 2020 and stated that her parents and grandmother had not induced her to do any act. Learned Advocate for the applicants further submit that the amount, if any, received by them was not subjecting the victim to acts as alleged by the prosecution. The victim was residing with them and she was not having any Bank account. The victim has not alleged that amount is deposited towards her exploitation and the same is misappropriated by applicant.

6. Learned APP submitted that the applicants are involved in this case. The investigation reveals that the aforesaid amount was

credited into their account from time to time. The victim was taken to Bangalore by the accused. The victim was minor.

7. The statement of the victim was recorded on 9th January 2020. In the said statement, she had stated that, she was aged around 17 years. The applicants are her relatives. The husband of applicant No.2 is residing at Bangalore. He is conducting business at Bangalore. The victim wanted to pursue her education in Mumbai. She was sent to her grandmother Meena Ratan Singh at Mira Road. She was residing with Meena Ratan Singh and applicant No.1. She also joined school. She discontinued her education. In October 2017, they had gone to Rajasthan. Thereafter, they returned to Mira Road. She insisted her parents that, she would stay with applicant No.1. She got acquainted with one Nisha Singh. She took the victim to the bar as singer. The victim started working in different bars as singer. Thereafter she joined bar known as China Gate. The Manager of bar took her and other ladies to Bangalore. All of them proceeded to Bangalore. Their Voter's Identity Cards were prepared. She was shown as a major in the documents. She was working as a singer at Bangalore. She got acquainted Mukesh Kanojia. He used to visit the bar. She fell in love with him. Both of them used to chat with each other. On 1st August 2019, she left the house of applicant No.1 and went to Borivali Railway Station. She boarded train and alighted at

Bharatpur Railway Station. She met Mukesh Kanojia. She performed marriage with Mukesh. In this statement, she had not alleged that the applicants had at any point of time forced her into prostitution. The statement was recorded on 2nd March 2020 in question and answer form. She was questioned about the video sent to the brother of Mukesh Kanojia. She stated that she had prepared and recorded video. Mukesh Kanojia had booked room in hotel. She recorded the video at that point of time, in the said video, she had blamed her parents, aunt and grandmother and then she had stated that they are exploiting her for money. It is pertinent to note that, the victim was with co-accused Mukesh Kanojia who had allegedly performed marriage with her. Even in this statement, the victim had not stated that, the applicant had made her indulge in prostitution. The father and mother of the victim were arrested and in custody of eight months. Considering these circumstances, the applicants need not be subjected to custody.

8. Hence, the following order.

ORDER

- (i) Anticipatory Bail Application No.1041 of 2020, is allowed.
- (ii) In the event of arrest of the applicants in connection with C.R.No.I-184/2019 registered with Mira Road Police Station, Dist.-Thane, the

applicants be released on bail on executing PR. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

- (iii) The applicants shall attend the investigating officer as and when called for;
- (iv) The applicants shall not tamper with the evidence;
- (v) Anticipatory Bail Application No.1041 of 2020, stand disposed of accordingly.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)